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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
Eastern DIVISION

Daniel Eldon Kennemore  
422863  
Plaintiff

(Write the full name of the plaintiff in this action.  
Include prisoner registration number.)

v.  
Bill Anderson  
Charles McIntire  
Defendants

(Write the full name of each defendant. The caption  
must include the names of all of the parties.  
Fed. R. Civ. P. 10(a). Merely listing one party and  
writing "et al." is insufficient. Attach additional  
sheets if necessary.)

Case No: \_\_\_\_\_  
(to be assigned by Clerk of District Court)

Plaintiff Requests Trial by Jury  
☒ Yes ☐ No

**PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983**

2000 cc

RLUIPA

**NOTICE:**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff should not send exhibits, affidavits, witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the \$400.00 filing fee or an application to proceed without prepayment of fees and costs.

## I. The Parties to this Complaint

### A. The Plaintiff

Name: Daniel Eldon Kennemore

Other names you have used: Dan and Danny

Prisoner Registration Number: 422863

Current Institution: SMMHC - SORTS  
Southeast Missouri Mental Health Center - Sex Offender Rehabilitation  
Treatment Services 1016 West Columbia Street  
Farmington, Missouri 63640

Indicate your prisoner status:

☐ Pretrial detainee

☐ Convicted and sentenced state prisoner

☐ Civilly committed detainee

☐ Convicted and sentenced federal prisoner

☐ Immigration detainee

☒ Other (explain): Civilly Committed

### B. The Defendant(s)

To the best of your knowledge, give the information below for each defendant named in the caption of this complaint. Make sure the defendant(s) named below are the same as those listed in the caption of this complaint. Attach additional pages if necessary.

For an individual defendant, include the person's job title, and check whether you are suing the individual in his or her individual capacity, official capacity, or both.

#### Defendant 1

Name: Bill Anderson

Job or Title: Director of SORTS

Badge/Shield Number: \_\_\_\_\_

Employer: Southeast Missouri Mental Health Center

Address: 1016 West Columbia St, Farmington, MO 63640

☒ Individual Capacity

☒ Official Capacity

**Defendant 2**

Name: Charles McIntyre

Job or Title: Patients Rights Coordinator

Badge/Shield Number: \_\_\_\_\_

Employer: Southeast Missouri Mental Health Center

Address: 1216 West Columbia St., Farmington, Mo. 63640

☒ Individual Capacity

☒ Official Capacity

**II. Statement of Claim**

Type, or neatly print, a short and plain statement of the **FACTS** that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you?
2. When did it happen?
3. Where did it happen?
4. What injuries did you suffer?
5. What did each defendant personally do, or fail to do, to harm you?

### Statement of Claim

1. On 1-28-2014, I was approved by Team Request to keep the 62 CD's of my Audio Bible in my room signed by SORTS Staff Kelly Johns.
2. On 8-25-2020, I was approved by Bill Anderson to keep the 62 CD's of my Audio Bible in my room in exchange for me dismissing/dropping my grievance.
3. On 9-29-2023, my Audio Bible was confiscated under the pretext of being labelled.
4. On 9-30-2023, SATT Gary Barnhouse told me that my Audio Bible was being kept and I could only have 2 discs under the Privilege System.
5. I called Charles McIntyre and ask for help getting my audio Bible back
6. Charles McIntyre helped organize a Privilege Solution where the Nurse would keep my Audio Bible CD's and I could check 2 out at a time according to my level in the Privilege level system.
7. I told Charles McIntyre that my Audio Bible was a Constitutional Right and not a Privilege.



## Statement of Claim - 2

8. Bill Anderson Answered the Grievance that the number of CD's are a Privilege per the Privilege Level System.
9. On Appeal Charles McIntyre answered on 12-13-2023 that I have access to my religious materials.
10. my Audio Bible is my HOLY Scriptures because I don't read to learn my Bible. Audio is best for me in my studies and Worship.
11. Its been around 10 years since I used a written Bible on a regular basis.
12. I am limited and it is inconvenient, especially if I want to listen to a different scripture during the night which happens often.

### **III. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

#### IV. Relief

State briefly and precisely what you want the Court to do for you. Do not make legal arguments. Do not cite any cases or statutes. If you are requesting money damages, include the amounts of any actual damages and/or punitive damages you are claiming. Explain why you believe you are entitled to recover those damages.

*I want my whole Audio Bible in my room at ALL times*

#### V. Exhaustion of Administrative Remedies/Administrative Procedures

The Prison Litigation Reform Act ("PLRA") 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility? *Civil Commitment*

☒ Yes

☐ No

If yes, name the jail, prison or other correctional facility where you were confined at the time of the events giving rise to your claim(s):

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- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. If yes, does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

*RLUIPA claim for Audio Bible*

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes ☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes ☐ No

E. If you did file a grievance:

1. Where did you file the grievance? *Southwest Missouri Mental Health Center*

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2. What did you claim in your grievance? (Attach a copy of your grievance, if available) *That my Audio Bible is a Right not a Privilege.  
See Attached Grievance.*

3. What was the result, if any? (Attach a copy of any written response to your grievance, if available)

*The Grievance was denied.  
See Attached Grievance.*



4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

*I filed a Grievance Appeal.*

*See Attached Grievance*

- F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

## VI. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

- A. To the best of your knowledge, have you ever had a case dismissed on the basis of this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case and when it was dismissed. Attach a copy of the court’s order, if possible.

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the state and county)*

3. Docket or case number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_
6. Is the case still pending?
- ☐ Yes
- ☐ No (If no, give the approximate date of disposition): \_\_\_\_\_
7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes ☐ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff Daniel Eldon Kenesmore

Defendant(s) State of Missouri et al.

2. Court (if federal court, name the district; if state court, name the state and county)

US District Court  
EO Missouri

3. Docket or case number 4:23-cv-796-NCC

4. Name of Judge assigned to your case Audrey G. Fleissig answered for  
N. C. Collins

5. Approximate date of filing lawsuit 2023

6. Is the case still pending?

☐ Yes

☒ No (If no, give the approximate date of disposition): \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

*Dismissed without Prejudice*

## VII. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24<sup>th</sup> day of January, 2024.

Signature of Plaintiff

Daniel Eldon Kennemore